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450100-02701**REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

**I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-12, 25-29 are pending. Claims 1, 10, 25, 27 and 29 are independent and are hereby amended.

No new matter has been introduced. Support for this amendment is provided throughout the Specification as originally filed.

**II. TELEPHONE INTERVIEW**

Applicant thanks the Examiner for granting a telephone interview on October 4, 2006. Applicant discussed proposed amendments to independent claims 1 and 29. Applicant argued that the amendments distinguished the present claims from the cited art by clarifying the types of data that could be stored on the respective first and second memory cards. Applicant also noted that present claims 26, 28 and 29 are distinguished from the cited art by the automatic erasure of the stored copyright-unprotected contents from the copyright-protected memory card in response to an instruction to eject the memory card, which is not disclosed in the cited art.

The Examiner agreed that the proposed amendments that clarified the respective storage capabilities of the first and second memory cards appeared to overcome the cited art. In addition, the Examiner agreed to reconsider whether the automatic erasure of the contents was

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disclosed in the cited art. However, the Examiner indicated the amendments would be subject to additional review when submitted.

### III. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1, 10, 25 and 29 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,020,982 to Yamauchi et al. (hereinafter, merely "Yamauchi") in view of U.S. Patent No. 5,590,306 to Watanabe et al. (hereinafter, merely "Watanabe") and further in view of U.S. Patent No. 6,279,114 to Tooms et al. (hereinafter, merely "Tooms").

In view of the amendments, Applicant respectfully traverses this rejection.

Claim 29 is representative and recites, *inter alia*:

"judging whether an inserted first memory card is enabled to store both copyright protected contents and copyright unprotected contents;

...

recording copyright-unprotected contents to the first memory card when said first memory card is judged to be enabled to store both copyright protected contents and copyright unprotected contents;

...

judging whether an inserted second memory card is enabled to store only copyright unprotected contents;

...

automatically transferring the copyright-unprotected contents to the second memory card in response to judging said second memory card is enabled to store only copyright unprotected contents; and

...

automatically erasing the copyright-unprotected contents from the first memory card in response to receiving an instruction to eject the first memory card."  
(emphasis added).

The claims of the present application have been amended to clarify that, in part, the present invention is an apparatus and method used for two purposes: as a recorder recording copyright-protected contents and as a recorder recording copyright-unprotected contents to a

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memory card. The method distinguishes between two types of memory cards: (1) copyright-protected cards on which both copyright-protected contents as well as copyright-unprotected contents can be recorded, and (2) copyright-unprotected cards on which only copyright-unprotected contents can be recorded.

Claim 29 is illustrative and claims first judging if a copyright-protected memory card is inserted and recording of copyright-unprotected contents to the inserted copyright-protected memory card. In response to a copyright-unprotected memory card being inserted, the unprotected contents are automatically transferred to the unprotected memory card.

Also, in response to an instruction to eject the protected memory card, the unprotected contents is automatically erased from the protected memory card.

First, Applicant contends Yamauchi does not disclose judging the type of memory card inserted. Claim 29 is representative and recites, "judging whether an inserted first memory card is enabled to store both copyright protected contents and copyright unprotected contents . . . judging whether an inserted second memory card is enabled to store only copyright unprotected contents." The present application claims distinguishing between two types of memory cards on which different type of data can be recorded: (1) copyright-protected cards on which both copyright-protected contents as well as copyright-unprotected contents can be recorded, and (2) copyright-unprotected cards on which only copyright-unprotected contents can be recorded. Thus, the claims recites judging that distinguishes between the types of memory card inserted, not the data on the memory card or whether there is a memory card inserted.

The amendment avoids the 07/13/2006 Office Action rejection that Yamauchi teaches judging which memory card is inserted and points to FIG. 39A step S3. Step S3 is labeled,

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"Memory card loading detection," which is described at col. 26, lines 52-56. In the method of Yamauchi, loading of data to the memory card is detected when the power is turned ON and in the RECORD position. In contrast, the present application judges the type of memory card inserted. Yamauchi is detecting an event (loading of data to a memory card) in contrast to the present invention that is judging a physical characteristic (whether a memory is enabled to record a type of data).

Thus, there is no suggestion that Yamauchi distinguishes between the types of memory card inserted. Moreover, there is no suggestion that Yamauchi distinguishes memory cards that can record both of two types of contents (copyright protected and copyright-unprotected) from memory cards that can record only one of the content types (copyright-unprotected).

Neither Watanabe nor Toombs adds the element missing from Yamauchi.

Second, Applicant contends that Yamauchi does not disclose recording contents to a memory card capable of recording two types of contents then automatically transferring the data to a card capable of recording only one type of contents.

Claim 29 is representative and recites, "recording copyright-unprotected contents to the first memory card when said first memory card is judged to be enabled to store both copyright protected contents and copyright unprotected contents . . . automatically transferring the copyright-unprotected contents to the second memory card in response to judging said second memory card is enabled to store only copyright unprotected contents."

The amendment avoids the 07/13/2006 Office Action rejection that Yamauchi FIGS. 105A and 106 discloses the element of recording contents to a memory card capable of recording two types of contents and then automatically transferring contents to a memory card capable of

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recording only one type of contents as discussed above. FIGS. 105A and 106 are discussed in the specification at col. 55, line 53 to col. 56, line 39. Yamauchi discloses that a user can transfer data from one recording medium to another and FIGS. 105A and 106 are merely screen displays to aid a user in effectuating the transfer. There is no suggestion that data are automatically transferred in response to another recording medium being inserted no less an automatic selection and transfer of only a portion of the data. Indeed, the entire method of Yamauchi is user interactive for editing and transferring data.

In contrast, the present invention judges that a first memory card is enabled to record both of two types (e.g., copyright-protected and copyright-unprotected) of contents and then records contents to that first memory card. Moreover, in response to insertion of a second memory card that is enabled to record only one type (copyright-unprotected) of contents, the one type is automatically transferred from the first memory card to the second memory card.

Neither Watanabe nor Toombs adds the element missing from Yamauchi.

Third, there is no suggestion in Yanauchi, Watanabe and Toombs of automatically erasing data in response to ejecting the memory card. Claim 29 is representative and recites, “automatically erasing the copyright-unprotected contents from the first memory card in response to receiving an instruction to eject the first memory card.” Thus, the copyright-unprotected content is erased from the copyright-protected memory card in response to an instruction to eject the copyright-protected card. That is, content that can be recorded on a second memory card that can record only one of the content types (copyright-unprotected) is automatically erased from a first memory card that is enabled to record both of two types of

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contents (copyright protected and copyright-unprotected) in response to EJECTING the first memory card.

The Office Action purports to address this feature in rejecting claims 26 and 28 and points to Watanabe col. 18, lines 1-25. However, Watanabe is merely disclosing preventing usage of material after a certain period of time. There is no disclosure, teaching or suggestion that data are automatically erased from a user's memory card in response to EJECTING the memory card.

Watanabe and Yamauchi each suggest erasure of content when requested by a user. However, there is no suggestion in either Watanabe or Yamauchi that content is automatically erased in response to an instruction to eject the memory card.

The automatic erasure of the copyright-unprotected content from the copyright-protected memory card has the advantage that memory space on the copyright-protected card is "freed up" for later recording of copyright-protected content. The recorded copyright-unprotected content does not remain on the copyright-protected card after the card is ejected. That is, the present apparatus has the advantage of preserving space on copyright-protected memory cards for a new use over less expensive copyright-unprotected memory cards.

Thus, claim 29 is patentable over the cited references because those references taken alone or in combination do not teach or suggest each and every feature recited in the claim as discussed above.

For reasons similar to or somewhat similar to those described above with regard to independent claim 29, independent claims 1, 10, 25 and 27 are also believed to be patentable.

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**CONCLUSION**

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicant respectfully requests early passage to issue of the present application.

Respectfully submitted,

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